

CT

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARY BETH CORBETT,

Plaintiff,

v.

DRH CAMBRIDGE HOMES, INC., and
D.R. HORTON, INC.,

Defendants.

Case No. 04 C 334

Judge Leinenweber

Magistrate Judge Bobrick

FILED
APR 6 2005JUDGE HARRY D. LEINENWEBER
U.S. DISTRICT COURT JUDGE

**DEFENDANTS' MOTION TO DISMISS AND TO COMPEL ARBITRATION AND
MOTION TO STAY DISCOVERY**

Defendants DRH Cambridge Homes, Inc. and D.R. Horton, Inc. by their attorneys, hereby move this Court pursuant to the Federal Arbitration Act ("FAA"), 9 U.S.C. § 1 *et seq.*, and Fed. R. Civ. P. 12, to dismiss Plaintiff Mary Corbett's Complaint and compel arbitration, and move to stay discovery pending a ruling regarding arbitration. In support of their motion, Defendants state as follows:

Motion to Dismiss and Compel Arbitration

1. This dispute arises out of the termination of Plaintiff's employment with Defendants.
2. On May 11, 2004, Plaintiff filed her Complaint against Defendants in the Northern District of Illinois asserting claims of discrimination and retaliation pursuant to Title VII of the Civil Rights Act of 1964. Plaintiff did not serve her federal Complaint on Defendants until August 9, 2004, and Defendants filed their Answer and Affirmative Defenses to Plaintiff's federal Complaint on August 11, 2004.
3. On March 22, 2005, Defendants took Plaintiff's deposition regarding her federal court claims against Defendants. At that time, Plaintiff testified under oath that she signed not

one, but three arbitration agreements with Defendants, dated January 19, 1999, June 1, 2000, and January 16, 2001.

4. Because Plaintiff has alleged claims arising out of the termination of her employment, she has agreed to arbitrate her claims pursuant to the arbitrations agreements she entered into with Defendants on January 19, 1999, June 1, 2000, and January 16, 2001.

5. For the reasons more fully set forth in Defendants' Memorandum of Law in Support of Their Motion to Dismiss and to Compel Arbitration, filed herewith, Defendants respectfully request that this Court dismiss Plaintiff's complaint and compel arbitration of Plaintiff's claims.

Motion to Stay Discovery and Extend Discovery Deadline

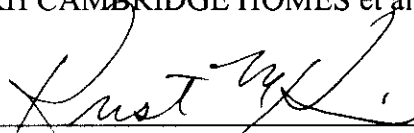
6. Defendants move to stay discovery pending a ruling on their motion to compel arbitration and, in the event such motion is denied, that discovery be extended until thirty days after the date of the Order denying the motion to compel arbitration. The current discovery deadline in this matter is April 29, 2005. Staying discovery pending a ruling regarding arbitration will further judicial economy because if this dispute is referred to arbitration, additional discovery before this Court will be unnecessary. If the motion to compel arbitration is denied, Plaintiff will not suffer any prejudice as a result of a brief delay in discovery while this motion is pending.

WHEREFORE, Defendants respectfully request (1) that this Court dismiss Plaintiff's Complaint and compel Plaintiff to proceed with the pending action pursuant to the Federal Arbitration Act or, if inapplicable, any applicable state arbitration statute, and (2) that discovery be stayed pending a ruling on this motion to compel arbitration and, in the event such motion is

denied, that discovery be extended until thirty days after the date of the Order denying the motion to compel arbitration..

Respectfully submitted,
DRH CAMBRIDGE HOMES et al,

By


One of Their Attorneys

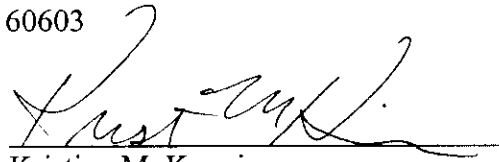
Joan E. Gale
Kristina M. Kerwin
SEYFARTH SHAW LLP
55 East Monroe Street, Suite 4200
Chicago, IL 60603
(312) 346-8000

April ¹⁴ 2005

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that she caused a copy of the foregoing Defendants' Motion to Compel Arbitration and to Stay Discovery to be served on the following attorney of record by facsimile this 5th day of April, 2005:

Sharon Finegan Patterson
39 S. LaSalle Street, Suite 1014
Chicago, IL 60603


Kristina M. Kerwin